

# KENTUCKY'S ENVIRONMENT

The Newsletter of the Environmental Quality Commission

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EQC

is a seven-member citizen board that advises officials on environmental matters, provides a public forum for the discussion of issues and monitors environmental conditions. To receive the free EQC newsletter, call (502)564-2150 ext. 160, e-mail EQC@mail.state.ky.us, or write to EQC at 14 Reilly Rd., Frankfort, KY 40601. You can also submit your comments at our Web site at [www.kyeqc.net](http://www.kyeqc.net). Printed bimonthly with state funds.

## NREPC Sets 2001-02 Priorities

The Kentucky Natural Resources and Environmental Protection Cabinet has set its 2001-02 priorities. The top ten priorities of Cabinet Secretary James Bickford are as follows (*Contact Mark York at 502-564-3350 for more information*):

1. **Illegal Dumping/Certified Clean County Program**  
In March Gov. Paul Patton announced the creation of the Certified Clean County Program. Counties with mandatory garbage collection programs in place are eligible to participate in the program. The state will reimburse these counties for 75 percent of the direct expense of cleaning up illegal dumps.
2. **Review of slurry ponds**  
The Department for Surface Mining Reclamation and Enforcement has started a review of existing slurry ponds in the state. The ponds under review are those classified as federal Mine Safety and Health Administration (MSHA) class impoundments.
3. **CAFO/AFO**  
Governor Patton signed an emergency regulation in March establishing standards for large-scale operations. The cabinet has challenged the constitutionality of the process for reviewing Executive Branch regulation contained in state law.
4. **Drought**  
If drought conditions persist, vulnerable water supplies across the state could develop problems during summer months.
5. **Regionalization (Water and Sewer)**  
Better service to customers, more efficient operations, more consistent maintenance and potential lower costs are the benefits associated with plants that serve regions as opposed to single towns or even counties.

*Continued back page - see Top Ten List*

## MEETINGS/CONFERENCES

**June 29 - Bad Branch Hike (Letcher Co.)** - Informational 1/2 day hike at Bad Branch Falls limited to 15 participants. *To reserve a spot or for more information, contact Morgan Jones at 502-564-3410.*

**June 30 - Martins Fork Stream Hike (Harlan Co.)** - Informational, all-day, strenuous hike at the Croushorn Woods tract of the Martins Fork Wild River limited to 12 participants; be prepared to hike in the creek bed and get wet. *To reserve a spot or for more information, contact Morgan Jones at 502-564-3410.*

**July 15-17 - KY Assoc. of Conservation Districts Convention (Jefferson Co.)** - Program begins at 6:00 a.m. at the Galt House in Louisville on July 15 and concludes with a banquet on July 17. Deadline for preregistration is July 1. *Contact the Division of Conservation at 502-564-3080 or your local district office.*

## PUBLIC NOTICES/HEARINGS - PERMITS

### KY Division of Waste Mgt. - Solid Waste Notices

(*Contact Derek Gould at 502-564-6716 for more information.*)

- Kentucky Mountain Power Ash Disposal Facility**, Rowdy (Knott Co.) - Draft special waste landfill permit - facility is to be permitted for the disposal of approximately 3.3 million tons of fly ash and bottom ash from the adjacent Kentucky Mountain Power fluidized bed electric power generation plant over the next 20 years.
- Daviess County Fiscal Court**, Owensboro (Daviess Co.) - Permit to establish and operate a composting facility for the processing of wastewater treatment sludge at the West Daviess County Landfill.
- BFI Waste Systems of North America, Inc.** (Franklin Co.) - Permit for 104.82-acre horizontal expansion of the Benson Valley Area Landfill.
- CDD Landfill**, Georgetown (Scott Co.) - Receipt of a groundwater assessment report that demonstrates levels of nitrate and cadmium detected in monitoring well MW-7 are not related to the operation of the landfill. Research has shown that fresh water

## Governor Creates Smart Growth Task Force



On May 17, Governor Patton created a 35-member smart growth task force to better manage growth in the Commonwealth. The task force's findings are scheduled to be released by September of this year. Joel Hirschhorn, a growth expert from the National Governors' Association who spoke to the task force, said the smart growth movement is aimed at making sure resources such as land and utilities are used in the best way possible. Governor Patton pointed out that, with the number of acres being developed far outpacing increases in population, the state is not just growing fast, its growing inefficiently. The task force will address growth-related issues through five working committees. Those groups will look at agriculture, wildlife and the environment, planning, transportation, community development and design, and economic development. The task force will hold a series of meetings between June 11 and July 31. *For more information, see the group's Web site at <http://smartgrowth.state.ky.us>.*

### Area Near Pine Mountain Settlement School Unsuitable for Surface Mining

An area near the Pine Mountain Settlement School in Harlan County has been declared unsuitable for surface mining. James Bickford, secretary of the Natural Resources and Environmental Protection Cabinet, signed an order declaring 2,364 acres of land on Pine Mountain off-limits to mining. The order effectively halts an effort by Nally and



Hamilton Enterprises Inc. to expand an existing mining operation in the area. The order affects almost 91 acres of land that the company has sought to mine. The order does not affect previously permitted mining operations already underway in the area. *For more information, visit the following Web site: <http://www.nr.state.ky.us/nrepc/pinemtsettlement.htm>.*

from a layer of limestone is mixing with naturally occurring salt water, thereby causing the elevated levels of chemicals detected, not contamination from the landfill.

•**City of Berea Landfill**, Berea (Madison Co.) - Receipt of groundwater assessment report that shows elevated levels of petroleum hydrocarbons and metals occur naturally in the circulating groundwater of the Boyle Dolomite. The Division of Waste Mgt. accepts the report's findings that the elevated levels of benzene, cadmium and related constituents are natural artifacts in the rocks and are not related to discharge from the landfill.

### KY Division of Waste Mgt. - Hazardous Waste Notices

(*Contact Michael Welch at 502-564-6716, ext. 246.*)

- Dow Corning Corp.**, Carrollton (Carroll Co.) - Receipt of Clean Closure Equivalency Demonstration Report relating to three ponds used to store corrosive hazardous waste from broken sample bottles, taken from the on-site laboratory, beginning in December 1966. Public comment period closes June 29, 2001.
- Naval Ordinance Station**, Louisville (Jefferson Co.) - Revisions to Part A & B Permit - includes changes to closure conditions. The public comment period closes July 21, 2001.

### KY Division of Water - KPDES Permit Notices

(*Contact Herb Ray or Courtney Seitz at 502-564-3410 for more information.*)

- 16 Discharge Permit Issuances/Reissuances - (Public Notice 2001-14); 7 Discharge Permit Issuances/Reissuances - (Public Notice 2001-16); 25 Discharge Permit Issuances/Reissuances, 2 Permit Modifications- (Public Notice 2001-17); 21 Discharge Permit Issuances/Reissuances (Public Notice 2001-18); 9 Discharge Permit Issuances/Reissuances, 2 Permit Modifications- (Public Notice 2001-20).
- Eagle Creek Country Club**, Crittenden (Grant Co.) - Discharge permit was denied because the club is within the planning area of

*Continued back page - see Public Notices*

Environmental Quality Commission  
Meeting Announcements

## EQC Public Meetings

August 2, 2001

1:00 p.m., Room 131, Capitol Annex, Frankfort  
*Environmental Spills: Issues & Needs*

August 23, 2001

1:00 p.m., Room 129, Capitol Annex, Frankfort  
*Growth & Development Issues in Kentucky*

*For an agenda, visit the EQC Web Site at [www.kyeqc.net](http://www.kyeqc.net). All EQC meetings are free and open to the public. Meeting facilities are accessible to people with disabilities. Auxiliary aids, interpreters, and other services will be provided upon request by contacting EQC.*

### Public Notices Continued - from front page

the City of Crittenden. (KY0080403)

•**City of Louisville** (Jefferson Co.) - Request for approval of a Municipal Pretreatment Program Modification. **Public Comment** is due on the program by **July 16, 2001**. (PT 2001-002)

•**KY Division of Water proposes issuing a general permit for Small Municipal Storm Water Systems (SMS4).**

### KY Division for Air Quality - Public Notices

(Contact George Day at 502-573-3382 for more information.)

•**Conditional Major Source Operating or Construction/Operating Permit (Title V does not apply) - Federal Mogul Corp.,** Scottsville (Allen Co.); **Toyo Tire & Rubber Co.,** Franklin (Simpson Co.).

•**Phase II Acid Rain Permit - East Kentucky Power,** Smith (Clark Co.).

•**Title V Construction/Operating Permit- East Kentucky Power,** Trapp/JK Smith (Clark Co.); **Hennegan Co.,** Florence (Boone Co.).

•**Prevention of Significant Deterioration Construction/Operating Permit-East KY Power,** Trapp/JK Smith (Clark Co.).

•**Synthetic Minor Operating or Construction Permit at a Title V Source (PSD regs. do not apply) - Toyo Tire & Rubber Co.,** Franklin (Simpson Co.).

### KY Division of Waste Mgt. - Underground Storage Tanks

(Contact Ron Dutta at 502-564-6716 for more information.)

•**Dairy Mart Convenience Store #791,** Richmond (Madison Co.) (5216-076).

•**Keystops/Ward Implement Co.,** Beech Grove (McLean Co.) (8924-075).

•**Lexington-Fayette Urban County Govt.,** Lexington (Fayette Co.) (7029-034).



### Top Ten List - continued from front page

#### 6. *Prep for 2002 General Assembly*

Issues likely to be considered during the 2002 General Assembly session include solid waste management, smart growth, as well as an extension of the hazardous waste fee. Energy issues, including local impact of new generating plants, could also be the subject of new legislation.

#### 7. *Fall Forest Fire Season*

Drought conditions and the impact of the Southern pine beetle are combining to raise the specter of a significant forest fire season this fall; damage from the Southern pine beetle has caused trees to die in forested areas.

#### 8. *Paducah Gaseous Diffusion Plant*

The Paducah Gaseous Diffusion Plant is one of the state's worst environmentally polluted sites. In April 2000, a U.S. General Accounting Office report noted cleanup may cost \$1.3 billion and not be completed until 2010.

#### 9. *Permits for Power Plants*

Since 1999, the Division for Air Quality has received nearly two dozen applications for permits for power plants. Many of the plants would operate only at peak demand times. Other plants would produce energy to be sold on the market outside of Kentucky.

#### 10. *Brownfields/Smart Growth*

The 2001 General Assembly passed legislation to create a process for the redevelopment of contaminated industrial sites commonly referred to as brownfields. In May, Governor Patton a Smart Growth Task Force to study development issues.

### FEDERAL NOTICES/HEARINGS/MEETINGS

•**U.S. Army Corps of Engineers' report recommends disposal of Green River Lock and Dam #'s 3, 4, 5, 6, & Barren River Lock and Dam #1 - Public Hearing** will be held at Butler High School in Morgantown, KY at 7:00 p.m. on June 26. *Contact Jane Ruhl at 502-315-6862 for more information.*

•**National Park Service Big South Fork National River and Recreation Area - EIS of proposed trail, access road, & trailhead in the Mount Helen area** - Public comment on the EIS will be accepted until July 10. *Send comments to: Reed Detring, Big South Fork National River and Recreation Area, at 4564 Leatherwood Rd.; Oneida, TN 37841.*

•**Proposed Jackson County Lake Project - Final Environmental Impact Statement**, U.S. Dept. of Agriculture, Jackson County. The report can be viewed online at <http://www.usda.gov/rus/water/ees/feis-jc.htm>. If implemented, the proposed actions would lead either to the construction of a dam and reservoir in the county or a pipeline to a source of surface water outside the county. *Contact Kenneth Slone at 606-224-7340 for more information.*

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June is Rivers Month in Kentucky. For a calendar of events, contact Morgan Jones at 502-564-3410 or visit the Web Site at <http://water.nr.state.ky.us/dow/calendar/htm>.